



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS INVITED ON APPLICATION OF CYPRESS COMMUNICATIONS OPERATING COMPANY, LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 15-97
Comp. Pol. File No. 1212

Comments Due: May 13, 2015

Section 214 Application

Applicant: Cypress Communications Operating Company, LLC

On **March 27, 2015**, Cypress Communications Operating Company, LLC (Cypress or Applicant), located at **75 Erieview Plaza, Suite 400, Cleveland, OH 44114**, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue, reduce or impair all of its domestic telecommunications services where they are offered in Alabama, Arizona, California, Colorado, Connecticut, the District of Columbia, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington and Wisconsin (collectively, Service Areas).¹ On April 27, 2015, Cypress filed an amendment to correct certain deficiencies in its application and update the record regarding the geographic areas of service affected and the notice provided to customers and state entities.² Accordingly, Cypress's application is deemed complete as of April 27, 2015.

Cypress indicates that it offers various telecommunications services in the Service Areas on a retail basis, including but not limited to local exchange services, long distance services and shared tenant services using a shared tenant services platform that relies on PBX and TDM technology (collectively, Affected Services). Cypress adds that its services are available in approximately 500 office buildings located in major metropolitan areas within the Service Areas. Cypress states, however, that it is going out of business. Accordingly, Cypress asserts that it plans to discontinue the Affected Services throughout the Service Areas and cease all operations on or after April 1, 2015, subject to regulatory approval.

¹ See In the Matter of Cypress Communications Operating Company, LLC Section 63.71 Application, WC Docket No. 15-97 (filed Mar. 27, 2015), <http://apps.fcc.gov/ecfs/comment/view?id=60001027656> (Application). Cypress indicates that it also is seeking authority to discontinue its international services. Discontinuance of international service is governed by section 63.19 of the Commission's rules. See 47 C.F.R. § 63.19.

² See Letter from Alexander E. Gertsburg, Esq., EVP and General Counsel, Cypress Communications Operating Company, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (filed Apr. 27, 2015) (posted in ECFS on April 28, 2015).

The Applicant submits that, in February 2015 and again in March 2015, it sent physical letters regarding the proposed discontinuance to all of its affected customers except for those customers who consented to receive invoices electronically. According to Cypress, these letters were printed on bright conspicuously colored paper and were included as bill inserts. Cypress states that it also emailed customers on or around February 2, 2015 and February 27, 2015. Cypress maintains that, on or around March 11, 2015, it placed an automated telephone call to affected customers that referenced the prior written notifications and reminded customers of the need to switch carriers. Cypress furthermore asserts that it sent notice to customers by email to inform them of the proposed discontinuance and of their right to comment in compliance with the requirements of section 63.71 of the Commission's rules.³ Cypress explains that all of its customers are business customers, that it does not have any residential customers, and that virtually all Cypress customers now have been migrated to new carriers. Cypress also indicates that a significant number of Cypress employees have been laid off and that physically mailing corrected notices to customers would currently be challenging. Accordingly, Cypress submits that the notice provided to affected customers should suffice given the circumstances and that the public interest, convenience and necessity would be furthered by a grant of the Application. Cypress asserts that it is considered non-dominant with respect to the services to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, Cypress's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies Cypress that the grant will not be automatically effective. In its amended application, Cypress indicates that it plans to discontinue the Affected Services throughout the Service Areas and cease all operations on or after April 1, 2015, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of the application, absent further Commission action, Cypress may discontinue the Affected Services in the Service Areas on or after **May 29, 2015**, in accordance with Cypress's filed representations. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

Comments objecting to this application must be filed with the Commission on or before **May 13, 2015**. Such comments should refer to **WC Docket No. 15-97 and Comp. Pol. File No. 1212**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and

³ Counsel for Cypress has confirmed with Commission staff that all such notices have been sent by email to the affected customers.

boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission’s *ex parte* rules.⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), Carmell.Weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), Rodney.McDonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

– FCC –

⁴ 47 C.F.R. §§ 1.1200 *et seq.*